

**REMARKS**

Reconsideration is requested.

Claims 14 and 18 have been canceled, without prejudice, to advance prosecution.

Claims 1-13 and 15-17 are pending.

Return of an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement of June 5, 2001, is requested, pursuant to MPEP § 609.

Acceptance of the drawings or specific objection of the same in the Examiner's next Action is requested.

The Section 112, first paragraph, objection of the specification is traversed. For similar reasons, the Section 112, first paragraph, rejection of claims 2-13 and 15-17 is traversed. Reconsideration and withdrawal of the objection of the specification and rejection of claims 2-13 and 15-17 is requested in view of the previously-submitted, Kinney et al reference (Virology 170, 19-30(1989)), which is referred to on page 1, line 33 of the present application and predates the filing date of the present application. Kinney et al describes the cloning and sequencing of vaccine TC-83. The applicant respectfully submits that the fact that the vaccine strain TC-83 was well known at the time the present application was filed and the sequence was available to the public, deposit by the present applicant should not be required and the specification is believed to provide an enabling disclosure which adequately describes the claimed invention. Withdrawal of the objection of the specification and rejection of claims 2-13 and 15-17 under Section 112, first paragraph, is requested.

The Section 112, second paragraph, rejection of claims 9, 10 and 15 was obviated by the amendments of November 28, 2000. Entry of the Preliminary

BENNETT  
Appl. No. 09/701,299  
August 23, 2004

Amendment dated November 28, 2000 is requested. Reconsideration and withdrawal of the rejection are requested.

The Section 102 rejection of claims 1-17 over Bennett (Viral Immunology, Vol. 11, No. 3, pp 109-117, 1998), is obviated by the previously-submitted, copy of the applicant's priority application GB 9811433.3 which was filed May 29, 1998, which is prior to the publication of Bennett. Reconsideration and withdrawal of the Section 102 rejection is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

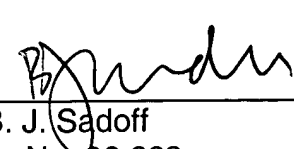
The Section 103 rejection of claim 14 over Kinney (Journal of Gneral Virology (1988), 69, 3005-3013) in view of Davison (Journal of Molecular Biology (1989) 210, 749-769), is moot in view of the above cancellation of claim 14.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
B. J. Sadoff  
Reg. No. 36,663

BJS:pp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100